THE HON'BLE MS JUSTICE G. ROHINI

WRIT PETITION NO.4980 of 2004

Dated 21-10-2005

Between:

G. Deva Kumari. ….Petitioner

and

The Joint Collector, Machilipatnam, Krishna District,

and two others.

….Respondents

THE HON'BLE MS JUSTICE G. ROHINI

WRIT PETITION NO.4980 of 2004

ORDER:

This writ petition is filed seeking to declare the proceedings dated 19-11-2003 issued by the third respondent in dismissing the appeal filed by the petitioner against the order dated 12-03-2003 passed by the first respondent in cancelling his licence and forfeiture of security deposit as arbitrary and illegal.

When the matter is taken for consideration, it is represented by the learned counsel for both the counsel that under similar circumstances, this Court by order dated 13-09-2005 disposed of W.P.No.5310 of 2004 and that since the facts involved in the present writ petition are identical, this writ petition may be disposed of in terms of the above order.

This Court while disposing of W.P.No.5310 of 2004, by order dated 13-09-2005, observed as follows:

> *" In support of his contention the petitioner relied upon a decision of this Court in W.P.No.22599 of 2003 dated 26-11-2004 wherein, under identical circumstances this Court held that the action of the respondents in canceling the licence of the petitioner therein was illegally and accordingly set aside the order of cancellation and directed the licensing authority to conduct de novo enquiry.*
>
> *Having regard to the facts of the case and in the light of the ratio laid down in the decision referred to supra, I am of the view that the impugned orders cannot be sustained sine admittedly a copy of the enquiry report, on the basis of which the show cause notice was issued, which ultimately culminated in the order of cancellation, was not furnished to the petitioner.*
>
> *Accordingly, the impugned orders are set aside and the 1st respondent is directed to conduct de novo enquiry into the allegations against the petitioner after furnishing a copy of the enquiry report and any other material on the basis of which the proceedings were initiated and after affording a reasonable opportunity to the petitioner to rebut the contents of such adverse material. It is made clear that the enquiry shall be*

completed and appropriate orders shall be passed in accordance with law as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order. Since the order of cancellation as well as the order of the appellate authority are set aside, the respondents are directed to restore the licence of the petitioner. However, such restoration of licence shall be subject to the further orders that may be passed by the 1st respondent.

Accordingly the writ petition is disposed of. No costs. ”

Accordingly, the impugned proceedings dated 19-11-2003 issued by the third respondent are set aside and the writ petition is disposed of in terms of the order dated 13-09-2005 in W.P.No.5310 of 2004. No costs.

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(G. ROHINI, J)

Date:21-10-2005

ghn